

REMARKS

Claims 1, 6, 9 and 10 herewith are amended.
Reconsideration and allowance of the claims as amended is requested for the following reasons.

The present invention is directed to a method for capturing images of ground locations and for detecting the presence of material failure(s) or failures in man-made structures in such ground locations including the steps of:

- (a) providing an image sensor spaced remotely from the ground and which sequentially captures a number of images of various ground locations to provide digital images;
- (b) processing captured digital images to determine the presence of a potential material failure in an immobile or inert man-made structure in accordance with predetermined coordinate positions which locate the man-made structures in one or more of the captured digital images; and
- (c) indicating to a customer that a potential material failure has been detected in a predetermined coordinate position.

Independent Claims 1, 6, 9, and 10 have been amended to emphasize the feature of Applicants' man-made structure having immobility or inertness, rather than relative movement as found in a wall or column that collapses, as disclosed in the cited art of Fuentes. Support for the amended claim can be found in the specification on page 3, lines 5-13, and Fig. 4.

The 112 Rejections

With regard to Claim 10, the Applicants have amended Claim 10 to further clarify that the customer makes payment to the service provider for detection of a material failure in the man-made structure. Support for the amendment may be found in the specification on page 6, line 27-page 7, line 10. It is believed, therefore, that claim 10 meets the requirements of 35 USC 112. The claims 11 and 12 depending from claim 10 are, therefore, likewise considered to meet the requirements of 35 USC 112.

The 103 Rejections

The Applicants address the problem of detecting material failures of immobile or inert structures, such as roadways, pipelines, electrical power lines, agricultural, mining, real estate activity and insecticide spraying, without using numerous monitoring devices strategically placed along the path of the man-made structures or traversing the path of the man-made structures by foot or ground vehicles. The cited art of Fuentes discloses a portable structure movement monitoring and emergency alarm system that detects movement of a light spot upon a wall or structure—The wall or structure will move in relation to the light spot. (See, col. 2, lines 54-63; col. 3, lines 22-25; col. 3, lines 52-61; and col. 5, lines 1-6 (re.: portability)). Fuentes' system provides "delta change parameters which represent acceptable movement of the wall or structure..." (See col. 4, lines 43-45). Fuentes does not address the same problem that Applicants do. Nor does Fuentes disclose using predetermined coordinate positions for an immobile man-made structure. Fuentes is explicitly concerned with relative movement of a man-made structure, because such relative movement can indicate the imminent possibility of the structure collapsing. A close reading of the only mention of "preset parameters" in Fuentes (col. 3, lines 22- 26) results in the understanding that the parameters apply to the position of the laser light pointed at the wall or structure and not the geographic coordinate position of the location of the structure itself as disclosed by Applicants. (See Applicants specification, page 3, lines 27- page 4, lines 3; and Fig. 1).

Applicants immobile or inert man-made structures have coordinate positions that are used to process captured digital images of the immobile or inert man-made structures to determine whether a material failure of said structure has occurred. The captured digital images include variations, indicators, and chemical or chemical agents that indicate a potential material failure of said structures. With regard to claims 1-5, the Examiner has failed to make a *prima facie* case, because Applicants' features of using predetermined coordinate positions along an immobile or inert man-made structure to process captured digital images for determination of a material failure in said structure are missing in the cited art of Fuentes.

With regard to Claims 6-8, the reasoning stated above for Claims 1-5 applies equally, because Fuentes is again cited and the Examiner's reasoning

for citing Fuentes with respect to Claims 6-8 is unchanged as well. Regarding the cited reference, Murphy et al. Murphy et al. requires placement of buried electrodes at spaced localities along the path of buried pipelines. As a result Murphy teaches away from Fuentes' desire to have a portable detection of failure in man-made structures; and thus, there would exist no motivation at the time of invention for a person of ordinary skill in the art to combine Fuentes teaching of portable failure detectors that may be moved from site to site upon a moment's notice with the teaching of Murphy, having buried electrodes at spaced localities along the path of buried pipelines. (See e.g., Fuentes @ col. 1, lines 62-64. "*It is a feature of the present invention to provide an improved structure movement monitoring and emergency alarm system which is portably installable at a rescue site.*")

Moreover should the teachings of Fuentes and Murphy be combined, the resulting invention would not work, because Fuentes teaches the reliance upon the structure moving and a laser light monitoring said structure. The buried pipeline of Murphy is not moving as it corrodes, nor would the laser light disclosed in Fuentes penetrate the massive soil the pipeline resides in.

Regarding Claim 9, the reasoning laid forth relevant to Claims 1-5 is equally appropriate to Claim 9 and thus is incorporated by reference. Applicants state that a close reading of the cited reference of Bell et al. reveals that the installer of the pipeline, and not a subsequent owner of the pipeline, has information transmitted to them corresponding to the failure of the pipeline. The signal transmitted is for accurate positioning of the pipeline during installation. Additionally, Bell discloses a plurality of receivers secured to the pipeline at spaced-apart points along its length; and is therefore analogous to the cited reference of Murphy. For this reason, Applicants maintain the same reasoning for nonobviousness for the combination of Fuentes and Bell as that of the combination of Fuentes and Murphy.

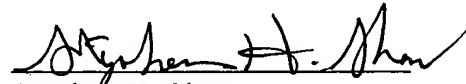
Accordingly, because Claim 10 has cited against it the combination of Fuentes in view of Bell, the aforementioned reasoning for nonobviousness applies equally as well. The remainder of the claims 11 and 12 are dependent from claim 10 and are considered to be patentable for at least the same reasons.

Applicants have reviewed the cited art made of record, and believe that singly or in any suitable combination, they do not render Applicants' claimed

invention unpatentable. It is believed that the claims in the application are allowable over the cited art and such allowance is respectfully requested.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen H. Shaw", written over a horizontal line.

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